

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Charles Kushner

Cr.: 2:04-CR-00580

Name of Sentencing Judicial Officer: Jose L. Linares, United States District Judge

Date of Original Sentence: 03/04/05

Original Offenses: Counts 1-16: Fraud and False Statements, Count 17: Retaliating against a Witness/Victim, and Count 18: Statements or Entries Generally.

Original Sentence: 24 months imprisonment on each count, each count is to run concurrently. Two (2) years supervised release to run concurrently [One (1) year on Counts 1-16 of the Information and two (2) years on Counts 17 and 18 of the Information.] Conditions: Full financial disclosure, Cooperate with Internal Revenue Service, and Mental Health Treatment. Fine: \$40,000.

Type of Supervision: Supervised release

Date Supervision Commenced: 08/26/06

PETITIONING THE COURT

[X] To modify the conditions of supervision by adding the following special conditions:

The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

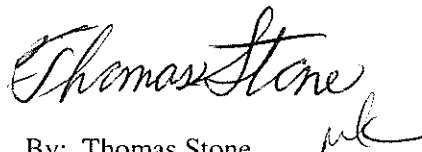
The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

CAUSE

While in the custody, Kushner applied for and was granted admission into a residential drug abuse treatment program in the Federal Bureau of Prisons. Based upon the offender's statements and recognized assessment tools, it has been determined that Kushner is dependant upon alcohol and other drugs (sedatives). A goal of treatment is to develop the offender's cognitive, behavioral, social, vocational, and other skills to solve the his substance abuse and other related problems.

The addition of special alcohol and drug conditions to the current Court order will enable the U.S. Probation Office to better serve the offender. It will allow Probation to establish substance abuse aftercare in a community-based program which will address relapse prevention and reduce the likelihood of recidivism. Kushner has signed Probation Form 49 (Waiver of Hearing to Modify Supervision Conditions).

Respectfully submitted,

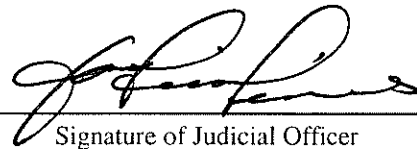


By: Thomas Stone
Senior U.S. Probation Officer

Date: 08/16/06

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ No Action
☐ Other


Signature of Judicial Officer

8-17-06

Date

PROB 49
0/19

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Waiver of Hearing to Modify Conditions of Supervised Release

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

To modify the conditions of supervision by adding the following special conditions:

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Witness: _____
Senior U.S. Probation Officer
Thomas Stone

Signed: 
Supervised Releasee
Charles Kushner

6/27/06
DATE

6/27/06 - Supra Hengemille conducted conference call w/ offender and attorney, began brief, Thirion, offender, in consultation w/ attorney agreed to sign waiver.
Mark Hengemille 6/29/06

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P.002

MAR 23-2006 11:43 AM

TOTAL P.02